

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5066 of 2015

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Ramchandra Paswan

.... Petitioner/s

Versus

Mosmat Manjhania Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 16-03-2016

Heard learned counsel Mr. Arun Kumar Prasad for the petitioner and learned Senior Counsel Mr. Baxi S.R.P. Sinha for respondent no.1.

It appears that the plaintiff-petitioner filed Partition Suit No.629 of 2009 claiming half share in the suit property alleging that Chethru had only one son and one daughter and two daughters are traceless. The defendant filed written statement alleging that both have died leaving behind their heirs. The court below decreed the plaintiff's suit but granted 1/4th share recording a finding that the two daughters of Chethru are also entitled to their respective shares. Against that judgment and decree the petitioner has filed Title (Partition) Appeal No.43 of 2011. In this title appeal the heirs of the two daughters, who have been held to be entitled to their respective shares in the judgment and decree, filed application for being added as party. The court below by the

impugned order dated 19.12.2014 allowed the said intervention application.

In view of the above fact that the shares of the two alleged daughters of Chethru are to be decided in the title appeal as that part of the decree is under challenge, the heirs of the alleged two daughters have got direct interest and are entitled to protect their shares which they are claiming through two daughters of Chethru.

In my opinion, therefore, the court below has rightly allowed the intervention application in exercise of jurisdiction under Order 1 Rule 10 CPC as the interveners are necessary party in the title appeal. Thus, I find no reason to interfere with the impugned order and accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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